

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

RICHARD BOARD,

Petitioner,

-against-

9:02-CV-1181  
(LEK/RFT)

FRANK TRACY,

Respondent.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on September 6, 2005 by the Honorable Randolph F. Treece, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Richard Board, which were filed on September 19, 2005.

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

**ORDERED**, that the Report-Recommendation is **APPROVED** and **ADOPTED** in its

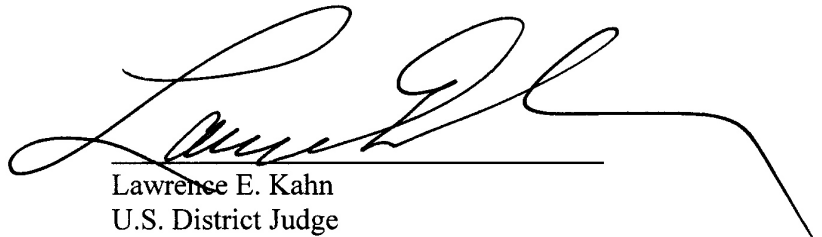
**ENTIRETY**; and it is further

**ORDERED**, that the Petition for a Writ of *Habeas Corpus* be **DENIED** and **DISMISSED**;  
and it is further

**ORDERED**, that the Clerk serve a copy of this order on all parties.

IT IS SO ORDERED.

DATED: September 26, 2005  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge